

AMENDED IN ASSEMBLY AUGUST 1, 2016

AMENDED IN ASSEMBLY JUNE 20, 2016

SENATE BILL

No. 1017

Introduced by Senator Hill

February 11, 2016

An act to amend Section 583 of, and to add Section 583.1 to, the Public Utilities Code, relating to the Public Utilities Commission.

LEGISLATIVE COUNSEL'S DIGEST

SB 1017, as amended, Hill. Public Utilities Commission: public availability of utility supplied documents.

The California Constitution establishes the Public Utilities Commission with certain general authority over all public utilities, including the authority to establish rules for all public utilities, subject to control by the Legislature. The Public Utilities Act prohibits the commission or an officer or employee of the commission from disclosing any information furnished to the commission by a public utility, a subsidiary, an affiliate, or a corporation holding a controlling interest in a public utility, unless the information is specifically required to be open to public inspection under the act, except on order of the commission or a commissioner in the course of a hearing or proceeding. Existing law provides that any officer or employee of the commission who divulges any such information is guilty of a misdemeanor.

This bill would ~~repeat~~ *replace* the provision that makes divulging this information a *misdemeanor*; *to instead provide, subject to certain exceptions, that any present or former officer or employee of the commission who divulges this information or information that is prohibited from being released by any other state law or by federal law, for monetary gain, for employment gain or advance, to place a*

public utility that furnished the information at a competitive disadvantage, or to provide a competitive advantage to another is guilty of a misdemeanor. The bill would authorize the commission to adopt rules providing for the disclosure of information furnished to the commission by a public utility, a subsidiary, an affiliate, or a corporation holding a controlling interest in a public utility. The bill would require the commission to develop rules consistent with the California Public Records Act for the expeditious disclosure, without the necessity of an order of the commission or a commissioner in the course of a hearing or proceeding, of information related to (1) public health and safety emergencies, (2) public, employee, and contractor safety, and (3) environmental degradation caused by loss of operational control by a public utility. The bill would prohibit any document that is prohibited from being released by any other state law or by federal law from being made open to the public or being publicly released.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares that, pursuant
2 to Section 3 of Article I of the California Constitution, the public
3 should have access to all public records of state entities and this
4 right should extend to public records of the Public Utilities
5 Commission.
- 6 SEC. 2. Section 583 of the Public Utilities Code is amended
7 to read:
8 583. (a) (1) No information furnished to the commission by
9 a public utility, or any business which is a subsidiary or affiliate
10 of a public utility, or a corporation which holds a controlling
11 interest in a public utility, except those matters specifically required
12 to be open to public inspection by this part, shall be open to public
13 inspection or made public except on order or rule of the
14 commission, or by the commission or a commissioner in the course
15 of a hearing or proceeding.
- 16 (2) *No document shall be made open to the public or publicly*
17 *released that is prohibited from being released by any other state*
18 *law or by federal law.*
- 19 (b) (1) *Any present or former officer or employee of the*
20 *commission who, for monetary gain, for employment gain or*

1 *advance, to place a public utility that furnished the information*
2 *at a competitive disadvantage, or to provide a competitive*
3 *advantage to another; divulges any information that is prohibited*
4 *from being released pursuant to subdivision (a) is guilty of a*
5 *misdemeanor.*

6 *(2) It is not a crime to divulge information that is prohibited*
7 *from being publicly released pursuant to subdivision (a) to the*
8 *Bureau of State Audits as information relevant to a whistleblower*
9 *complaint or to share information with a state entity under a*
10 *memorandum of understanding that protects the confidentiality of*
11 *the information.*

12 SEC. 3. Section 583.1 is added to the Public Utilities Code, to
13 read:

14 583.1. (a) The commission shall develop rules consistent with
15 the California Public Records Act (Article 1 (commencing with
16 Section 6250) of Chapter 3.5 of Division 7 of Title 1 of the
17 Government Code) for the expeditious disclosure of information
18 related to all of the following:

19 (1) Public health and safety emergencies.

20 (2) Public, employee, and contractor safety.

21 (3) Environmental degradation caused by loss of operational
22 control by a public utility.

23 (b) Nothing in this part requires the commission to disclose
24 documents when the public interest served by not disclosing the
25 records clearly outweighs the public interest served by disclosure
26 of the records.

27 (c) Nothing in this part requires the commission to disclose
28 documents regarding utility employees, contract employees, or
29 individuals who generally have an objectively reasonable
30 expectation of privacy in which disclosure would constitute an
31 unwarranted invasion of personal privacy.